

REMARKS

Claims 1-24 are pending.

Claims 22-24 are withdrawn.

Claims 16-21 are allowed. The Examiner is thanked for the allowance.

Claims 2, 16, and 21 are objected to because of informalities.

The Specification is objected to.

Claims 2-10 stand rejected under 35 USC §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention.

Claims 1 and 11-13 stand rejected under 35 USC §102(b) as being allegedly anticipated by Tanaka et al. (US 2002/0121341 A1).

Claims 14-15 stand rejected as anticipated by Tanaka et al. (US 2002/0121341 A1) or, in alternative, under 35 USC §103(a) as being allegedly unpatentable over Tanaka et al. (US 2002/0121341 A1) in view of Nagamine (US 2002/0053319).

Claims 2-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Objection to Claims 2, 16, 21:

Claims 2, 16, and 21 are objected to because of informalities (grammatical nature). Claims 2, 16, 21 have thus been amended.

Objection to Specification, Abstract:

The Specification is objected to because of informalities of a grammatical nature. Pursuant to the Office Action's suggestion, the specification and the Abstract have been amended for the purpose of improving the readability of the application and are of a clerical, typographical or grammatical nature. No new matter has been added.

Rejection under 35 USC §112, second paragraph – claims 2-10

Claims 2-10 stand rejected under 35 USC §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention. This rejection is respectfully traversed.

MPEP §2171 identifies two separate requirements: (1) the claims must set forth the subject matter that applicants regard as their invention; and (2) the claims must particularly point out and distinctly define the meets and bounds of the subject matter that will be protected by the patent grant. A lack of antecedent basis may be found if a claim is “indefinite” because “it contains words or phrases whose meaning is unclear”; see MPEP §2173.05(e).

The Office Action alleges that the term “above the passageway” in claims 2-10 is indefinite. Pursuant to the Office Action’s suggestion, Claim 2 has been amended to replace this term with “above the bottom of the passageway.” The claims now meet the statutory requirements.

Rejection under 35 USC §102(b) – claims 1 and 11-13

Claims 1 and 11-13 stand rejected under 35 USC §102(b) as being allegedly anticipated by Tanaka et al. (US 2002/0121341 A1). This rejection is respectfully traversed.

A claim must be anticipated for a proper rejection under §102(a), (b), and (e). This requirement is satisfied “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference”; see MPEP §2131 and Verdegaal Bros. V. Union Oil, 814 F.2d 628, 2 USPQ2d 1,051 (Fed. Cir. 1984). A rejection under §102(b) may be overcome by showing that the claims are patentably distinguishable from the prior art; see MPEP §706.02(b).

Tanaka describes a rinse discharge nozzle having supply ports 638, 642, outlet ports 640, 644, and a discharge port 632. Supply valves 648, 668 are respectively connected to supply ports 638, 642. Outlet valves 652, 672 are respectively connected to outlet ports 640, 644. When supply valves 648, 668 are closed, and outlet valves 652, 672 are open, the solution in reservoir 634 flows out from outlet ports 640, 644 and discharge port 632.

In contrast, Claims 1 and 11 claim “the fluid flowing from the passageway **only** out of the drain opening when the first valve is closed and the second valve is open”. The solution in Tanaka flows out of **both** the outlet ports 640, 644 and discharge port 632.

Tanaka does not teach or suggest “the fluid flowing from the passageway **only** out of the drain opening when the first valve is closed and the second valve is open.”

The presently claimed invention is, accordingly, distinguishable over the cited reference. In the view of the foregoing, it is respectfully asserted that claims 1, 11-13 are now in condition for allowance.

Rejection under 35 USC §102(b) – claims 14-15

Claims 14-15 stand rejected under 35 USC §102(b) as being allegedly anticipated by Tanaka et al. (US 2002/0121341 A1). This rejection is respectfully traversed.

A claim must be anticipated for a proper rejection under §102(a), (b), and (e). This requirement is satisfied “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference”; see MPEP §2131 and Verdegaal Bros. V. Union Oil, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1984). A rejection under §102(b) may be overcome by showing that the claims are patentably distinguishable from the prior art; see MPEP §706.02(b).

These rejections are respectfully traversed for at least the reason that each of the rejected claims ultimately depend on an above-discussed base claim. The arguments set forth above regarding the base claims are equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

Rejection under 35 USC §103(a) – claims 14-15

Claims 14-15 stand rejected under 35 USC §103(a) as being allegedly unpatentable over Tanaka et al. in view of Nagamine (US 2002/0053319). This rejection is respectfully traversed.

Under MPEP §706.02(j), in order to establish a *prima facie* case of obviousness required for a §103 rejection, three basic criteria must be met: (1) there must be some suggestion or motivation either in the references or knowledge generally available to modify the reference or combine reference teachings (MPEP §2143.01), (2) a reasonable expectation of success (MPEP §2143.02), and (3) the prior art must teach or suggest all the claim limitations (MPEP §2143.03). See *In re Royka*, 490 F. 2d 981, 180 USPQ 580 (CCPA 1974).

These rejections are respectfully traversed for at least the reason that each of the rejected claims ultimately depend on an above-discussed base claim. The arguments set forth above regarding the base claims are equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

Conclusion

For all of the above reasons, applicants submit that the amended claims are now in proper form, and that the amended claims all define patentable subject matter over the prior art. Therefore, Applicants submit that this application is now in condition for allowance.

Request for allowance

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited. If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Respectfully submitted,

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